

Hogan, Charlotte S.

From: Hogan, Charlotte S.
Sent: Friday, June 23, 2023 8:48 AM
To: Perloff-Giles, Alexandra
Cc: *** Esperion - GDC Team; Cole, Jeremy P.; Marino, Elizabeth J.; Citera, Toni-Ann; Maslar, Amanda (Amy) B.
Subject: RE: Esperion v. DSE | 26(f) Report

Lexie,

It's unfortunate that Esperion is unwilling to focus on the discrete topics in the 26(f) report and insists on arguing the merits of the case in the report. The proposed exchange at noon ET today was premised on the parties submitting a joint 26(f) report. We see no need to exchange drafts today if our clients will be submitting separate Rule 26(f) reports.

Thanks,
Charlotte

Charlotte S. Hogan
Associate
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110 North Wacker Drive, Suite 4800
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Office +1.312.269.4159

From: Perloff-Giles, Alexandra <APerloff-Giles@gibsondunn.com>
Sent: Thursday, June 22, 2023 8:53 PM
To: Hogan, Charlotte S. <charlottehogan@jonesday.com>
Cc: *** Esperion - GDC Team <Esperion@gibsondunn.com>; Cole, Jeremy P. <jpcole@JonesDay.com>; Marino, Elizabeth J. <ejmarino@jonesday.com>; Citera, Toni-Ann <tcitera@JonesDay.com>; Maslar, Amanda (Amy) B. <amaslar@jonesday.com>
Subject: RE: Esperion v. DSE | 26(f) Report

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Charlotte,

We will plan to submit separately per your last email, and we agree to a mutual exchange of each party's submission at 12pm ET tomorrow per your earlier email.

Thanks,

Lexie

Alexandra (Lexie) Perloff-Giles

GIBSON DUNN

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From: Hogan, Charlotte S. <charlottehogan@jonesday.com>
Sent: Thursday, June 22, 2023 12:06 PM
To: Perloff-Giles, Alexandra <APerloff-Giles@gibsondunn.com>
Cc: *** Esperion - GDC Team <Esperion@gibsondunn.com>; Cole, Jeremy P. <jpcole@JonesDay.com>; Marino, Elizabeth J. <ejmarino@jonesday.com>; Citera, Toni-Ann <tcitera@JonesDay.com>; Maslar, Amanda (Amy) B. <amaslar@jonesday.com>
Subject: RE: Esperion v. DSE | 26(f) Report

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Lexie,

Attached are DSE's draft 26(f) report and draft case management plan, using Judge Ramos' template. DSE reserves the right to modify both drafts after this exchange. DSE would also propose another exchange of drafts, for tomorrow at 12PM ET, so that both parties have time to finalize before filing.

Thanks for letting us know about the listserv. We will create one as well for ease of communication.

Charlotte

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From: Perloff-Giles, Alexandra <APerloff-Giles@gibsondunn.com>
Sent: Wednesday, June 21, 2023 6:21 PM
To: Hogan, Charlotte S. <charlottehogan@jonesday.com>; Cole, Jeremy P. <jpcole@JonesDay.com>; Marino, Elizabeth J. <ejmarino@jonesday.com>; Maslar, Amanda (Amy) B. <amaslar@jonesday.com>; Citera, Toni-Ann <tcitera@JonesDay.com>
Cc: *** Esperion - GDC Team <Esperion@gibsondunn.com>
Subject: Esperion v. DSE | 26(f) Report

Hi Charlotte,

We haven't been in touch before but I am one of the other attorneys on the GDC team. It's nice to meet you by email.

I think we are largely aligned. In the 26(f) conference report template that was exchanged (attached again for convenience), there is space for Plaintiff's position and Defendant's position on Topic A (Subjects on which discovery might be needed), Topic C (Case schedule), and Topic E (Changes to limitations on discovery). We believe those sections are the best place for the parties to advocate for their respective proposals and plan to send you a version of that document with our positions filled in tomorrow so that, as you say, both parties' proposals are presented in the report. We don't think it's necessary to impose artificial length restrictions. We also plan to attach our proposed case

management plan, using Judge Ramos's template, for the convenience of the Court, and we will send that to you tomorrow as well.

Best,

Lexie

p.s. For convenience, we have created a listserv that you can use going forward to contact our team, rather than needing to add individual email addresses: Esperion@gibsondunn.com.

Alexandra (Lexie) Perloff-Giles

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From: Hogan, Charlotte S. <charlottehogan@jonesday.com>

Sent: Wednesday, June 21, 2023 11:05 AM

To: Hart, Grace E. <GHart@gibsondunn.com>

Cc: Cole, Jeremy P. <jpcole@JonesDay.com>; Marino, Elizabeth J. <eimarino@jonesday.com>; Maslar, Amanda (Amy) B. <amaslar@jonesday.com>; Citera, Toni-Ann <tcitera@JonesDay.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Maloney, Mary Beth <MMaloney@gibsondunn.com>; Parks, Allyson <AParks@gibsondunn.com>; Yeh, Brian <BYeh@gibsondunn.com>; Benjamin, Matt <MBenjamin@gibsondunn.com>

Subject: Esperion v. DSE | 26(f) Report

[WARNING: External Email]

Grace,

Before exchanging our draft 26(f) reports tomorrow, we wanted to confirm where (in which document) the parties will advocate for their respective proposed schedules. We are fine with each party including a one-page explanation in the 26(f) report itself, following a chart that lays out the different schedules side-by-side.

Please let us know if that is agreeable to Esperion.

Thanks,
Charlotte

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